



FOR IMMEDIATE RELEASE  
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District of Arizona*

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## **TUCSON AIRPORT INSPECTOR INDICTED FOR CONCEALING PRIOR FELONY CHARGE**

TUCSON, Ariz.-- A federal grand jury in Tucson, Ariz. returned a four count indictment against Paul D. Gaeta, 49, of Tucson, Ariz. for Concealment of a Material Fact, and Making False Statements and a False Document in relation to his National Security Questionnaire and background investigations to gain and maintain employment as a Customs and Border Protection Officer with the Department of Homeland Security. Gaeta is employed as a United States Customs and Border Protection Officer, assigned to the Tucson International Airport, where he enforces federal law relating to immigration and customs violations.

"Today, more than ever, we must place our faith in honest officials guarding our frontiers," said U.S. Attorney for the District of Arizona Paul K. Charlton. "When they fail us by lying, we need to move them out of public service."

Immigration and Customs Enforcement Office of Professional Responsibility (ICE-OPR) Special Agent in Charge Mark Dankel stated, "Providing false information to federal law enforcement investigators is a serious matter and represents conduct entirely incompatible with employment within the Department of Homeland Security. CBPO Gaeta's willful concealment of his prior misconduct has been discovered and his indictment and arrest constitute the first step in holding him accountable for his actions."

The indictment alleges that from March 22, 1998, through the present, Gaeta concealed from the United States government the fact of his prior arrest for felony Sodomy in the Second Degree, when he failed to disclose it on his National Security Questionnaire, during his background investigation, and during subsequent Questionnaires and interviews submitted to obtain, and then maintain, his employment with DHS-CBP. The indictment further alleges that on January 2, 2005 Gaeta submitted a false Questionnaire in which he stated that he had never been charged with or convicted of any felony offense; that on January 2, 2005, he made a false statement on the Questionnaire when he denied the prior felony charge; and that on March 24, 2005, he made a false statement to a background investigator when he denied having ever been charged with a felony offense. The indictment states that at the time Gaeta concealed the material fact, made the false document and made the false statements, he knew that he had in fact been charged on April 22, 1978 in Buffalo City Court Docket No. 1B-96450 with Felony Sodomy in the Second Degree.

On November 28, 2006, Gaeta was arrested at his residence in Tucson, Ariz., by Special Agents of the Tucson Office of ICE-OPR. A detention hearing was held on November 30, 2006, before United States Magistrate Judge Jennifer C. Guerin. Gaeta was released on \$50,000 bond and ordered to reside in the custody of his mother.

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A conviction for Concealment of a Material Fact, False Statements and False Documents each carries a maximum penalty of 5 year(s), a \$250,000 fine or both. In determining an actual sentence, Judge Jorgenson will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation preceding the indictment was conducted by Immigration and Customs Enforcement Office of Professional Responsibility (ICE-OPR) and ICE Nogales Child Exploitation Unit. The prosecution is being handled by Mary Sue Feldmeier and Carin C. Duryee, Assistant U.S. Attorneys, District of Arizona, Tucson.

CASE NUMBER: CR-06-1954-TUC-CKJ (JCG)  
RELEASE NUMBER: 2006-252(Gaeta)

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